
Planning Board Minutes 03-06-2013

**Mashpee Planning Board
Minutes of Meeting
March 6, 2013 at 7:00 p.m.**
Selectmen's Meeting Room, Mashpee Town Hall
Approved 3/20/13

Planning Board Members Present: Chairman Mary Waygan, George Petersen, David Kooharian, Dennis Balzarini, Joe Mullin, Joe Cummings

Also Present: Tom Fudala-Town Planner, Charles Rowley-Consultant Engineer

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum in the Selectmen's Meeting Room at Mashpee Town Hall by Chairman Waygan at 7:04 p.m. on Wednesday, March 6, 2013 and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES—February 6, 2013

MOTION: Mr. Balzarini made a motion to accept the minutes of February 6th as written. Mr. Mullin seconded the motion. All voted unanimously.

DEFINITIVE SUBDIVISION PLAN

Applicant: Southworth Mashpee Properties, LLC

Location: Simons Road / Fin' Me Oot / Willowbend Drive

Request: Submission of definitive subdivision plan, SCHEDULE PUBLIC HEARING

Mathew Eddy, of Baxter Nye Engineering, represented the applicant in their request for a modification of the definitive plan for Simons Road and Fin' Me Oot, requesting a public hearing.

MOTION: Mr. Balzarini made a motion to schedule a public hearing for April 3 at 7:10 p.m. Mr. Mullin seconded the motion. All voted unanimously.

SPECIAL PERMIT

Applicant: Southworth Mashpee Properties, LLC

Location: 110 Willowbend Drive

Request: Schedule review of Modification of Special Permit site plans regarding sports and fitness complex and VOTE WHETHER PUBLIC HEARING NOTICE REQUIRED

Mr. Fudala referenced the plan highlighting changes to the pool area at Willowbend Country Club. The applicant has suggested that a public hearing would not be needed due to the minor changes being proposed.

MOTION: Mr. Balzarini made a motion that the matter did not require a public hearing. Mr. Mullin seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to schedule March 20 for review of the matter. Mr. Mullin seconded the motion. All voted unanimously.

Applicant: Southworth Mashpee Properties, LLC

Location: The Village at Willowbend, Simons Road / Willowbend Drive

Request: Schedule public hearing for Special Permit Modification for redesigned condo project and road relocations

Mr. Fudala stated that a public hearing was needed and 665 abutters would be notified of the hearing.

MOTION: Mr. Mullin made a motion to schedule a public hearing for April 3 at 7:20 p.m. Mr. Balzarini

seconded the motion. All voted unanimously.

ADDITION TO THE AGENDA

Mr. Fudala requested that an item be added to the agenda, by roll call vote, to sign the authorized signatures form required by the County Registry and Land Court Registry for signature verification. Mr. Mullin suggested that it was administrative and did not require a vote. Mr. Fudala noted that wording in the document stated that a vote authorized the signatures so members agreed that a vote would be taken.

MOTION: Mr. Balzarini made a motion to place on the agenda, by roll call vote, the voting regarding the Planning Board authorized signatures. Mr. Mullin seconded the motion. ROLL CALL: Mr. Mullin-yes, Mr. Balzarini-yes, Chairman Waygan-yes, Mr. Petersen-yes, Mr. Kooharian-yes

MOTION: Mr. Mullin made a motion to sign the Planning Board authorized signatures form to be recorded at the Registry of Deeds and vote to have all Board members authorized to sign Definitive Subdivision Plans and any other member authorized to sign the Board's endorsement on Approval Not Required Plans. Mr. Balzarini seconded the motion. All voted unanimously.

PUBLIC HEARINGS

7:10 Applicant: Mashpee Industrial Realty, LLC

Location: 168 Industrial Drive, Assessors' Map 88, Parcel 35

Request: Modification of special permit to allow additional uses, modified interior layout (4/5 vote required for approval)

The appointed time having arrived, the Chair opened the public hearing and read for the record the public hearing notice. Attorney Kevin Kirrane represented the applicant in their request for a special permit modification. Mr. Kirrane indicated that the building was located in the Mashpee Industrial Park and featured a zoning district line dividing the building into an IC3 district and industrial district. Mr. Kirrane stated that a previous request had been approved to expand the use to include an antique showroom and storage but that the use had been approved for the wrong side of the building. Mr. Kirrane stated that the existing conditions of the building included 6 separate units to include Cape Cod Rehabilitation, Flip Flops Gymnastics, Community Connections, Mashpee Media, Antiques operation and Derma Concepts. Regarding the antique operation, Mr. Kirrane noted that 4,000 square feet of the unit was temporarily being used for antique car storage until a new facility was completed. The antique sales/showroom would utilize 2,000 square feet. The Design/Site Plan Review Committee approved the plan but expressed concern about the availability of parking. Mr. Kirrane noted that 132 spaces had been initially approved for the site but that the rear parking had not yet been striped. Six additional spaces would also be constructed on the corner at Mr. Fudala's suggestion, for a total of 138. Mr. Kirrane stated that the uses of the building would require 148 spaces by bylaw, but suggested that 138 would address the needs of the structure. Mr. Kirrane pointed out the following parking space needs, based on the bylaw.

Cape Cod Rehab—64

Flip Flops—33

Community Connections—20

Mashpee Media—13

Antiques Showroom/Storage—8

Derma Concepts—10

Mr. Kirrane also reported that the ITE engineering requirement would require a total of 106 parking spaces. Mr. Kirrane conducted a survey of the tenants' parking needs and discovered the following:

Cape Cod Rehab—30 or 50 during the peak hours of 9-12 in morning and 4-7 in evening

Flip Flops—needed only 6-8 spaces in the morning and 14 in the afternoon

Mashpee Media—5

Antiques Showroom/Storage—4

Derma Concepts—potentially 31

Community Connections—potentially 33

Mr. Kirrane summarized that the perceived needs would total 137 spaces and suggested that the 138 spaces proposed would provide sufficient parking to the building, adding that many uses would not be operating during the same hours. Mr. Balzarini inquired about the location of the dumpster and the status of the septic system. It was noted that the Board of Health would consider septic as part of the building permit process. Mr. Mullin voiced his support of the project. There was no public comment. Mr. Fudala reported that Design Review considered the matter and expressed concern about parking and the lack of street signage in the subdivision at Rt. 28 and Industrial Drive and Industrial and Commercial St., with the request that it be part of the conditions. Mr. Fudala reported that the bulk of parking use was at the west end of the building by Cape Cod Rehab and Flip Flops, where the additional 6 spaces would be added. Mr. Fudala also recommended a better arrangement of parking spaces located in the back

of the building. Mr. Petersen inquired about lighting for the 27 parking spots in the back of the building and Mr. Kirrane indicated that a lighting plan had been submitted. There was discussion regarding whether there was access to Cape Cod Rehab from the rear of the building. It was noted that the Building Department would be addressing the number and location of the required handicap parking spaces. Mr. Balzarini inquired about the availability of sidewalks for safety purposes and Mr. Fudala suggested that it be reconsidered as the original purpose of the building was industrial. Mr. Fudala also suggested that employees park at the rear of the building. Mr. Kirrane suggested that lining or concrete bumpers could be used. Mr. Kooharian inquired whether Flip Flops hosted gymnastics meets which would create an increase in traffic. There was discussion regarding the varied peak hours of each of the units. Mr. Rowley inquired whether the excess fill had been removed from behind Cape Cod Rehab and Mr. Kirrane responded that he had not seen it at the site. Mr. Rowley inquired whether the antique showroom would also host auctions, which would impact the usage of the site and Mr. Kirrane responded that he was unsure and would inquire further. Mr. Fudala stated the following conditions:

-That the site consist of 138 parking spaces, including the construction of 6 new spaces in the northwest corner of the property and striping 27 spaces in the rear.

-Street signs to be located at Industrial/Rt. 28, Industrial/Commercial and Commercial/Industrial.

-Handicap spaces to be worked out with the Building Department and an as-built plan to be provided and employees be required to park at the rear of the building.

-Subject to Board of Health and any other required permits.

MOTION: Mr. Mullin made a motion to close the public hearing. Mr. Balzarini seconded the motion. All voted unanimously.

MOTION: Mr. Petersen made a motion to allow the use of a furniture store at this location with the following conditions: that 138 parking spaces, including the construction of 6 new spaces in the northwest corner of the property and the striping of 27 spaces in the rear; that street signs be located at Industrial/Rt. 28, Industrial/Commercial and Commercial/Industrial; that handicap spaces be worked out with the Building Department and an as-built parking plan be provided to the Board and employees be required to park at the rear of the building; and subject to the Board of Health and any other required permits. Mr. Balzarini seconded the motion. All voted unanimously.

Public hearing under the provisions of Massachusetts General Laws Chapter 85, Sections 3A and 3B, to change the name of "Willowbend Road" to "Willowbend Drive."

The Chair read for the record the public hearing notice. Mr. Fudala reported that the name change was at the request of the Address Working Group. Willowbend Road was approved in subdivision plans, but Willowbend Drive has been used for the last 10-15 years so it was determined to make the name change official rather than require individuals to change their addresses. There was no public comment or comment from members of the Board.

MOTION: Mr. Balzarini made a motion to close the public hearing. Mr. Mullin seconded the motion. All voted unanimously.

MOTION: Mr. Mullin made a motion to change the name of Willowbend Road to Willowbend Drive. Mr. Balzarini seconded the motion. All voted unanimously.

COMPREHENSIVE PLAN

Land Use & Growth Management/Vision Map-Mr. Fudala stated that the goals and policies had been previously reviewed by Planning Board members but not yet approved until Mr. Petersen was present at the meeting.

MOTION: Chairman Waygan made a motion to adopt the goals, objective and policies agreed to at the last meeting. Mr. Balzarini seconded the motion. All voted unanimously.

Mr. Fudala provided copies of a draft Land Use Vision Map that had been adopted by half of the towns on Cape, for the Board's consideration. There was discussion regarding the impacts of a vision map as it related to regulatory issues and mitigation levels. Regarding industrial areas, Mr. Fudala noted that the areas would be limited to industrial type uses. Mr. Fudala stated that other Cape towns have used an "other" category which then would not reduce mitigation, or create a resource area with protection requirements and would not restrict uses and suggested an "other" area stretching from the rotary to the Industrial Park, as well as convert other industrial areas to "other" areas. Mr. Balzarini recommended tabling discussion and Mr. Mullin indicated that he did not see a need

for discussion. Chairman Waygan recommended completing the update of the plan before addressing a vision map. There was consensus to table the discussion and review the draft.

BOARD ITEMS

Old Business

Discussion of Greenways Proposal and Surrounding Commercial Property-The walk will be re-scheduled to Saturday, April 6 at 11 a.m., meeting at the library. Doug Storrs has given permission to walk the property and will join the walk if he is available. Chairman Waygan will reach out to others interested in the Greenways Proposal, including the Mashpee Environmental Coalition, the Wildlife Refuge, the Board of Selectmen, the Mashpee Conservation Agent, Representative Viera, Senator Wolfe and surrounding condominium associations.

MMR Military Civilian Community Council/MMR Joint Land Use Study (JLUS)-Mr. Fudala reported that the MMR offered a "table top" exercise to identify potential areas of cooperation, coordination and shared resources between the military base and organizations and the surrounding towns. Thirteen items were on the list and feasibility comparisons were made and ranked DPW services first, followed by wastewater, energy and energy conservation and solid waste and recycling. Mr. Fudala pointed out that the military was more highly represented than town officials. The intent of the base was to reduce its cost footprint. There will be a second round of discussions run by the Cape Cod Commission.

Design Review Committee-Chairman Waygan stated that the Design Review Committee would continue to meet Tuesdays at 8:30 a.m., one or two times per month. Mr. Cummings agreed to serve on the Committee. Mr. Fudala described the role of the Committee. Chairman Waygan appointed Mr. Cummings to serve as the Planning Board's representative to the Design Review Committee.

MOTION: Mr. Mullin made a motion that the Planning Board recommend and/or appoint Joseph Cummings to the Design Review Committee. Mr. Balzarini seconded the motion. All voted unanimously.

Community Preservation Committee-Chairman Waygan reported that Mashpee Shellfish Constable Rick York presented his proposal to assist with the removal of nitrogen from Mashpee's bays and estuaries and the Committee voted to recommend a grant of \$94,000 to the program for the May 6 Town Meeting. Mr. York has indicated that the funds would assist in the removal of 1.5 tons of nitrogen.

Environmental Oversight Committee-Mr. Petersen reported that Fire Chief George Baker would speak at the next meeting to address Mashpee's Emergency Management Plan. Mr. Fudala noted that fire breaks were also being cut in town and burns would be conducted as a means to reduce the potential for a massive wildfire as well as to improve the habitat for the New England cottontail.

Historic District Commission-No update

New Business

Welcome-The Chair welcomed Joseph Cumming, who was voted unanimously in conjunction with the Board of Selectmen, to serve as an Associate Planning Board member

C. Rowley Expense Vouchers-Attendance at the February meeting totaled \$195 and work with Southport totaled \$95.

MOTION: Mr. Balzarini made a motion to pay the two vouchers. Mr. Mullin seconded the motion. All voted unanimously.

The vouchers were signed by members of the Planning Board.

WATERWAYS LICENSES

- Greg Bush, 55 Santuit Lane to maintain an existing dock in Santuit Pond

CORRESPONDENCE

- Cape Cod Commission, 1-31-13 DRI Minor Modification Decision for ICE cell tower at 54 Echo Road
- FEMA, notice of Flood Risk Review meeting to review work maps for new flood maps
- Cape Cod Commission, 2-21-13 DRI Minor Modification Decision for ICE cell tower at 54 Echo Road
- Bennett Environmental Associates, 2012 Windchime Point Water Quality Monitoring Annual Report
- Memo from Selectmen's Office re: appointment of Joseph P. Cummings as Associate Member

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Mullin seconded the motion. All voted

unanimously. The meeting adjourned at 8:18 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Plan of Land for Southworth Mashpee Properties, LLC
- Special Permit Modification Plan for Southworth Mashpee Properties, LLC Regarding
- Special Permit Modification, Mashpee Industrial Realty, LLC
- Regional Land Use Vision Map
- Regional Policy Plan-Regional Regulation Section
- Public Fitness Parks
- Year Round Drinking Fountains
- MMA Testimony to Department of Public Health
- Humanitarian Medical Use of Marijuana
- MMA Annual Meeting
- Advanced Tools/Techniques for Planning & Zoning